

**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: March 12, 2019

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

JASON ARTHUR MCDOWELL and
NANCY MARIE HOFFMAN,

Debtors.

Case No.: 19-40032-MJH

OBJECTION TO CONFIRMATION WITH
STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on January 5, 2019. The applicable commitment period is sixty months. The case is currently in the first month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is March 18, 2019. Scheduled unsecured claims total \$43,432.52. The plan as filed proposes 100% repayment to general unsecured filed and allowed claims.

OBJECTION

- ☒ Plan is not feasible: The plan is not adequately funded to pay all secured, priority, and unsecured claims, along with administrative expenses, provided for in the plan. *See* attached Declaration. Trustee request that confirmation be continued past the claims bar date to assess feasibility at that time.
- ☐ Plan is not proposed in good faith or is forbidden by law:
- ☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):
- ☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):
- ☐ Schedules or other documentation insufficient:
- ☐ Other:

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 25th day of February, 2019.

/s/ Matthew J.P. Johnson
Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

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CERTIFICATE OF MAILING

I declare under penalty of perjury under the laws of the United States as follows: I mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation and Declaration to the following:

Jason Arthur McDowell
Nancy Marie Hoffman
47501 – 260th Ave. S.E.
Enumclaw, WA 98022

The following parties received notice via ECF:

Ellen Ann Brown
US Trustee

Executed at Tacoma, Washington on the 25th day of February, 2019.

/s/Tracy Maher
Tracy Maher
Office Manager
Michael G. Malaier
Chapter 13 Trustee